

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

CELLTRACE LLC, §
§
Plaintiff, §
§
v. § CIVIL ACTION NO. 6:09-cv-294-LED
§
AT&T INC., et al , § JURY TRIAL DEMANDED
§
Defendants. §

**JOINT STIPULATION OF DISMISSAL WITHOUT PREJUDICE AS TO
DEFENDANTS ETEX TELEPHONE COOPERATIVE INC. AND
ETEX COMMUNICATIONS, L.P.**

WHEREAS, Plaintiff Celltrace LLC, and Defendants Etex Telephone Cooperative Inc. and Etex Communications, L.P stipulate, subject to the approval of the Court, that:

1. Any and all claims and/or counterclaims by both parties are dismissed without prejudice from the case.
2. Plaintiff Celltrace LLC, and Defendants Etex Telephone Cooperative Inc. and Etex Communications, L.P. shall each bear their own attorney's fees, expenses and costs.
3. Plaintiff's complaint as to all other defendants is not impacted by this stipulation and dismissal.

Dated: November 1, 2010

Respectfully submitted,

/s/ T. JOHN WARD, JR. _____

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**Attorney for Defendants Etex Telephone
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Etex, Communications, L.P.**

CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of November, 2010, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, Eastern District of Texas, Tyler Division, using the electronic case filing system of the court. The electronic case filing system sent a "Notice of Electronic Filing" to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

/s/ T. JOHN WARD, JR.
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